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CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 3025

**Introduced by Committee on Agriculture (Matthews (Chair),
Berg, Maze, Oropeza, Parra, Reyes, Salinas, Vargas, and
Wiggins)**

February 25, 2004

An act to amend Sections 2203, 2275, 12042, 12046, 24011, 27571, 27572, 32505, 32511, 35013, and 80074 of and to add Section 2003 to, the Food and Agricultural Code, relating to agriculture.

LEGISLATIVE COUNSEL'S DIGEST

AB 3025, as amended, Committee on Agriculture. Agriculture.

(1) Existing law provides that a horse exhibited at an event that receives a prohibited substance or specified nonsteroidal anti-inflammatory drugs (NSAID), within 48 hours prior to any withdrawal time established by law, shall not be eligible for show, competition, or sale, unless specified conditions are met, including that a horse shall be withdrawn from a public sale for a period of not less than 72 hours after a prohibited substance or NSAID is administered and that the withdrawal period for anabolic steroids is 90 days after

administration. Any person who violates these provisions is guilty of a misdemeanor and, in addition, is subject to a civil penalty, punishable as specified.

This bill would provide, in addition, that the withdrawal period for fluphenazine or reserpine is 45 days after administration. By revising the scope and application of existing crimes, this bill would impose a state-mandated local program upon local governments.

(2) Existing law generally regulates milk and milk products. Existing law defines “dairy farm” for the purposes of these provisions with reference to premises where specified numbers of cows or goats are in lactation, and defines “milk” with reference to the lacteal secretion of a cow or goat.

This bill would change the definition of “dairy farm” to include premises where specified numbers of water buffalo, sheep, or other hooved mammals are in lactation, and would change the definition of “milk” to include the lacteal secretion of a water buffalo, sheep, or other hooved mammal.

(3) Existing law prohibits specified native plants from being harvested. Existing law authorizes the Secretary of Food and Agriculture, after consultation with the Secretary of the Resources Agency and after a public hearing, to add to, or remove from, the lists of native plants that may not be harvested. A public hearing on native plants is required to be held at least once every 24 months, as specified.

This bill would instead authorize a public hearing to be held on native plants at least once every 24 months, as specified.

(4) The bill would also provide that the California Agricultural Commissioners and Sealers Association shall be recognized as the official representative body on behalf of county agricultural commissioners and sealers and would make conforming changes to related provisions.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.



The people of the State of California do enact as follows:

SECTION 1. Section 2003 is added to the Food and Agricultural Code, to read:

2003. The California Agricultural Commissioners and Sealers Association shall be recognized as the official representative body on behalf of ~~country~~ county agricultural commissioners and sealers.

SEC. 2. Section 2203 of the Food and Agricultural Code is amended to read:

2203. The commissioner shall be paid his or her compensation and traveling and incidental expenses while he or she is attending the annual meeting of the California Agricultural Commissioners and Sealers Association or its successor and any other meetings he or she is required by the secretary to attend, or while he or she is on any service that requires him or her to go outside the county if the performance of that service has been authorized by the board of supervisors, the secretary or director, or this code.

SEC. 3. Section 2275 of the Food and Agricultural Code is amended to read:

2275. The commissioner, for the purpose of learning the best and most efficacious methods of performing his or her duties, shall attend the annual meeting of the California Agricultural Commissioners and Sealers Association or its successor, and any other meetings as the secretary or director shall require.

SEC. 4. Section 12042 of the Food and Agricultural Code is amended to read:

12042. There is in the department an Agricultural Pest Control Advisory Committee, appointed by the secretary or director, consisting of the following members:

(a) One member representing agricultural pest control advisers.

(b) One member representing agricultural pest control businesses.

(c) One member representing pest control maintenance gardeners.

(d) One member representing pest control aircraft pilots.

(e) One member representing pesticide dealers.

1 (f) One member representing commercial applicator certificate
2 holders.

3 (g) One member representing registrants, as defined in Section
4 12755.

5 (h) One member representing the California Agricultural
6 Commissioners and Sealers Association.

7 (i) One member representing the University of California,
8 Division of Agriculture and Natural Resources, who is nominated
9 by the board of regents and who specializes in pest management.

10 (j) One member representing the Board of Trustees of the
11 California State University system.

12 (k) One member representing the Board of Governors of the
13 California Community College system.

14 (l) One member representing producers, as defined in Section
15 56110.

16 (m) One member representing the general public.

17 SEC. 5. Section 12046 of the Food and Agricultural Code is
18 amended to read:

19 12046. Initial appointments to the committee shall be made as
20 follows:

21 (a) Representatives for the public, the California Community
22 College system, the State University system, and the pest control
23 maintenance gardeners shall be appointed for one year.

24 (b) Representatives for pest control aircraft pilots, commercial
25 applicator certificate holders, pesticide dealers, registrants as
26 defined in Section 12755, and the California Agricultural
27 Commissioners and Sealers Association shall be appointed for two
28 years.

29 (c) Representatives for agricultural pest control advisers,
30 agricultural pest control businesses, the University of California
31 Extension Service, and producers shall be appointed for three
32 years.

33 SEC. 6. Section 24011 of the Food and Agricultural Code is
34 amended to read:

35 24011. A horse exhibited at an event that receives a prohibited
36 substance or any NSAID for which a maximum detectable plasma
37 level has been established in Section 24011.5, within 48 hours
38 prior to any withdrawal time established by or pursuant to this
39 chapter, shall not be eligible for show, competition, or sale, unless

1 the following requirements have been met and the facts requested
2 are submitted to the secretary in writing:

3 (a) Medication shall be therapeutic and necessary for treatment
4 of an illness or injury.

5 (b) A horse shall be withdrawn from a show or competition for
6 a period of not less than 24 hours after a prohibited substance is
7 administered, unless the secretary determines a different
8 withdrawal period for a specific prohibited substance or class of
9 substances. A horse shall be withdrawn from a public sale for a
10 period of not less than 72 hours after a prohibited substance or
11 NSAID is administered. The withdrawal period for anabolic
12 steroids is 90 days after administration and the withdrawal period
13 for fluphenazine or reserpine is 45 days after administration.

14 (c) The medication shall be administered by a licensed
15 veterinarian, the trainer, or owner.

16 (d) Medication shall be identified as to the amount, strength,
17 and mode of administration.

18 (e) The statement shall include the date and time of
19 administration of the medication.

20 (f) The horse shall be identified by its name, age, sex, color, and
21 entry number.

22 (g) The statement shall contain the diagnosis of the attending
23 veterinarian and reason for administering the medication.

24 (h) The statement shall be signed by the person administering
25 the medication.

26 (i) The statement shall be filed with the event manager of the
27 public horse show or competition or general manager of the horse
28 sale within one hour after administration or one hour after the
29 event manager of the event returns to duty, if administration is at
30 a time other than during show or sale hours.

31 (j) The statement shall be signed by the event manager or his
32 or her designated representative and time of receipt recorded on
33 the statement by the event manager or his or her designated
34 representative.

35 If the chemical analysis of the sample taken from a horse so
36 treated indicates the presence of a prohibited substance and all the
37 requirements of this section have been fully complied with, the
38 information contained in the medication report and any other
39 relevant evidence shall be considered at any hearing provided

1 under this chapter in determining whether any provision of this
2 chapter has been violated.

3 SEC. 7. Section 27571 of the Food and Agricultural Code is
4 amended to read:

5 27571. (a) The secretary shall appoint a Shell Egg Advisory
6 Committee consisting of seven members, six of whom shall be
7 selected by the secretary from egg handlers and be representative
8 of the egg industry. The secretary shall appoint two alternates who
9 may serve in the absence of any of the six egg handler
10 representatives. The California Agricultural Commissioners and
11 Sealers Association shall annually designate one of its members
12 who shall serve in a nonvoting capacity as the seventh member of
13 the committee. The secretary may appoint one additional member
14 on the committee, who shall be a public member. The members of
15 the committee shall receive no salary.

16 (b) Upon the secretary's request, the committee shall submit to
17 the secretary the names of three or more natural persons, each of
18 whom shall be a citizen and resident of this state and not a
19 producer, shipper, or processor nor financially interested in any
20 producer, shipper, or processor, for appointment by the secretary
21 as a public member of the committee. The secretary may appoint
22 one of the nominees as the public member on the committee. If all
23 nominees are unsatisfactory to the secretary, the committee shall
24 continue to submit lists of nominees until the secretary has made
25 a selection. Any vacancy in the office of the public member of the
26 committee shall be filled by appointment by the secretary from the
27 nominee or nominees similarly qualified submitted by the
28 committee. The public member of the committee shall represent
29 the interests of the general public in all matters coming before the
30 committee and shall have the same voting and other rights and
31 immunities as other members of the committee.

32 SEC. 8. Section 27572 of the Food and Agricultural Code is
33 amended to read:

34 27572. The term of office for each member, other than the
35 member designated by the California Agricultural Commissioners
36 and Sealers Association, of the committee shall be for three years.
37 Appointment of the first voting members shall be made so that the
38 term of office for two voting members shall expire at the end of one
39 year, two at the end of two years, and two at the end of three years.



1 Thereafter, appointments for the voting members shall be for full
2 three-year terms.

3 SEC. 9. Section 32505 of the Food and Agricultural Code is
4 amended to read:

5 32505. “Dairy farm” means any place or premises upon
6 which milk is produced for sale or other distribution and where
7 more than two cows or water buffalo, or six goats, sheep, or other
8 hooved mammals, are in lactation.

9 SEC. 10. Section 32511 of the Food and Agricultural Code is
10 amended to read:

11 32511. “Milk” means the unadulterated lacteal secretion
12 which is obtained from the udder of a cow, water buffalo, goat,
13 sheep, or other hooved mammal.

14 SEC. 11. Section 35013 of the Food and Agricultural Code is
15 amended to read:

16 35013. Each application shall be accompanied by a fee in an
17 amount which is established for the particular license by Section
18 35221.

19 SEC. 12. Section 80074 of the Food and Agricultural Code is
20 amended to read:

21 80074. After consultation with the Secretary of the Resources
22 Agency and after a public hearing, the secretary may add to, or
23 remove from, the jurisdiction of this division a native plant. A
24 public hearing on native plants may be held at least once every 24
25 months in a county subject to this division and in a location that is
26 convenient to a large segment of the public.

27 In deciding whether to call a public hearing, the secretary may
28 consider a request from a public or private group, including
29 concerned citizens, and the secretary shall convene such a hearing
30 when requested by resolution of any county board of supervisors.
31 The secretary may consider at the hearing which plants are in need
32 of protection and whether the boundaries of the area to be
33 protected should be changed pursuant to Section 80003.

34 SEC. 13. No reimbursement is required by this act pursuant
35 to Section 6 of Article XIII B of the California Constitution
36 because the only costs that may be incurred by a local agency or
37 school district will be incurred because this act creates a new crime
38 or infraction, eliminates a crime or infraction, or changes the
39 penalty for a crime or infraction, within the meaning of Section
40 17556 of the Government Code, or changes the definition of a

- 1 crime within the meaning of Section 6 of Article XIII B of the
- 2 California Constitution.

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